

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

IN RE:

ORION REFINING CORPORATION,

Debtor.

Chapter 11

Case No. 03-11483 (MFW)

FLUOR ENTERPRISES, INC.,

Appellant,

v.

C.A. No. 06-413 (KAJ)

ORION REFINING CORPORATION,

Appellee.

**ORDER DISMISSING APPEAL WITHOUT PREJUDICE**

Fluor Enterprises, Inc. having filed a motion to dismiss its appeal from an Opinion and Order of the United States Bankruptcy Court for the District of Delaware (the “Bankruptcy Court”) dated May 10, 2006, granting partial summary judgment in favor of Orion Refining Corporation;

IT IS HEREBY STIPULATED AND AGREED, by and among the parties, subject to the approval of the Court, that the order from which this appeal was taken is interlocutory, and pursuant to Fed.R.Bankr.P. 8001(c)(2), the above-captioned appeal is therefore dismissed without prejudice, including without prejudice to either party’s right to seek from the Bankruptcy Court an express direction for the entry of judgment dismissing Counts I and IV of the Complaint and

an express determination that there is no just reason for delay pursuant to Federal Rule of Civil Procedure 54(b) and Bankruptcy Rule of Civil Procedure 7054(a).

MONZACK and MONACO, P.A.



Francis A. Monaco, Jr. (#2078)

Kevin J. Mangan (#3810)

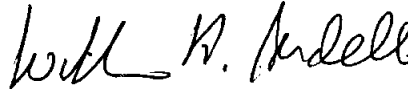
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*Attorneys for Appellee Cypress Associates,*

*LLC, as ORC Distribution Trust Representative*

IT IS SO ORDERED, this \_\_\_\_ day of August, 2006.

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The Honorable Kent A. Jordan

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

In re:	:	Chapter 11
ORION REFINING CORPORATION,	:	Case No. 03-11483 (MFW)
Debtor.	:	
<hr/>		
In re:	:	
FLUOR ENTERPRISES, INC	:	Civil Action No. 06-413 (KAJ)
Appellant,	:	
v.	:	
ORION REFINING CORP., CYPRESS,	:	
ASSOCIATES, LLC	:	
Appellees	:	
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CERTIFICATE OF SERVICE

I, Heidi E. Sasso, certify that I am not less than 18 years of age, and that service of the attached document was made via hand delivery on August 11, 2006 upon:

William H. Sudell  
Gregory W. Werkheiser  
Morris, Nichols, Arsht & Tunnell  
1201 N. Market Street  
Wilmington, Delaware 19899

Under penalty of perjury, I declare that the foregoing is true and correct.

August 11, 2006  
Date

/s/ Heidi E. Sasso  
Heidi E. Sasso